

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

LP MATTHEWS, L.L.C.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 04-1507-SLR
)	
BATH & BODY WORKS, INC.; LIMITED)	
BRANDS, INC.; KAO BRANDS CO.)	
(f/k/a THE ANDREW JERGENS)	
COMPANY); and KAO CORPORATION,)	
)	
Defendants.)	

**LP MATTHEWS' *DAUBERT* MOTION TO STRIKE THE
EXPERT REPORT AND EXCLUDE THE TRIAL TESTIMONY
OF THE KAO DEFENDANTS' DAMAGES EXPERT**

Pursuant to the Scheduling Order entered by this Court on June 9, 2005 (D.I. 39), and as set forth in the accompanying memorandum, plaintiff LP Matthews, L.L.C. moves to strike the expert report, opinions, and proffered trial testimony of Defendants KAO Brands Company's and KAO Corporation's ("Kao defendants") alleged damages expert Dr. G. Stephen Jizmagian.

LP Matthews moves to strike Dr. Jizmagian's report, opinions, and testimony because of the inadequate methodology used by Dr. Jizmagian. Specifically, Dr. Jizmagian fails to apply the *Georgia-Pacific* factors for determining a reasonable royalty and merely repeats a KAO employee's entirely unsupported and self-serving speculation. Dr. Jizmagian's opinion is based on nothing more than pure speculation without underlying proof, classic *ipse dixit* that cannot provide the basis for an admissible expert opinion. Accordingly, Dr. Jizmagian's report and his proposed testimony at trial in this case should be excluded.

The grounds for this motion are more fully set forth in LP Matthews's Opening Memorandum of Law In Support of Its Motion To Strike the Expert Report and Exclude the Trial Testimony of The Kao Defendants' Damages Expert, filed contemporaneously herewith.

ASHBY & GEDDES

/s/ John G. Day

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Dated: June 22, 2006

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CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of June, 2006, the attached **LP MATTHEWS' DAUBERT MOTION TO STRIKE THE EXPERT REPORT AND EXCLUDE THE TRIAL TESTIMONY OF THE KAO DEFENDANTS' DAMAGES EXPERT** was served upon the below-named counsel of record at the address and in the manner indicated:

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